

**ALABAMA DEPARTMENT OF TRANSPORTATION
IN THE MATTER OF**

OF

ALVERENE D. BUTLER

Docket No. 954

ORDER OF DISMISSAL

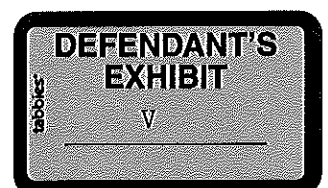
The above styled grievance was set for hearing this date at 9:30 a.m. at the ALDOT Central Office, 1409 Coliseum Blvd. , Montgomery, Alabama 36130. All parties received notice of hearing. ALDOT appeared by and through its attorney, David R. Mellon. The Grievant, Alverene D. Butler failed to appear.

The Grievant did not request a continuance nor did Grievant notify this hearing officer of any intent not to appear. It is also noted that the Grievant failed to participate in the telephone scheduling conference of July 6, 2005, after receiving notice of same.

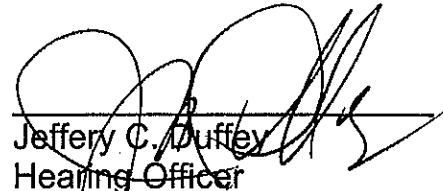
ALDOT moved to dismiss the grievance based upon the failure of the Grievant to appear at her hearing and based upon the Revised Complaint Procedure, page 11, paragraph 2, which provides that:

Failure of the grievant to appear for any scheduled hearing or to comply with any requirement set forth herein shall be deemed to mean that the grievance has been resolved.

Upon consideration thereof ALDOT's motion is GRANTED.



Done this 12th day of August, 2005.


Jeffery C. Duffey
Hearing Officer
600 South McDonough Street
Montgomery, Alabama 36104
Phone: (334) 834-4100
Fax: (334) 834-4101
email: jcduffey@aol.com

Ms. Alverene D. Butler
2137 Beverly Drive
Montgomery, Alabama 36111

David R. Mellon, Esq.
Sirote & Permutt, P.C.
P.O. Box 55727
Birmingham, Alabama 35255-5727

Michael Cooper, Esq.
Fitzpatrick, Cooper & Clark
1929 Third Avenue, North, Suite 600
Birmingham, AL 35203

Julian L. McPhillips, Jr., Esq.
P.O. Box 64
Montgomery, Alabama 36101

Ms. Sandi Dietz
Title 7 Co-Ordinator
Human Resources Bureau
Alabama Dept. of Transportation
1409 Coliseum Blvd.
Montgomery, AL 36130-3050